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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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24498 7590 01/27/2010 Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312				
EXAMINER				
SMITH, MARCUS				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/585,534

**Applicant(s)**

DUMET ET AL.

**Examiner**

MARCUS R. SMITH

**Art Unit**

2467

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/26/09.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-11 is/are rejected.
- 7) ☒ Claim(s) 7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment filed on 10/26/09 has been considered but is ineffective to overcome the previous prior art references.

### ***Claim Objections***

2. Claim 10 objected to because of the following informalities: Claim 10 teaches that the synchronizing data is from a second network, while a router intercepts a message from a first network directed to the second network. However, figure 3 of applicant's specification teaches that the synchronizing data (SYNC) is actually coming from the home computer (step 5) and the home computer is also sends the message that is intercept a router (step 3). Thus a person skilled in the art would view the sync and data messages are from the same network, not two different networks. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 101***

3. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 11 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. . In accordance with the new USPTO's "Interim Patent Subject Matter Eligibility Examination Instructions" issued on August 24, 2009, 101 rejections will be applied if the claimed computer readable medium (even storage

medium, for example) is not clearly defined to exclude non-statutory transitory media such as signals or transmission media. The 101 rejection can be overcome if the claim recites non-transitory media AND the specification is amended to recite that the media is non-transitory media.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 4-6, 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Heitmann (US 7,190,703).

With regard to claims 1 and 10, Heitmann teaches (see figures 1 and 2: columns 5 and 6): Time synchronizing device for synchronizing a router arranged between first and second communication networks, said synchronizing device comprising: receiving (network interface, NS) means for receiving synchronizing data based on a reference time clock (Z11, real time information from VE: column 5, lines 60-67), and exploiting (clock adjustment device, ZJ) means for exploiting said synchronizing data (SYNC) so as to synchronize a local time clock used by said router with respect to said reference time clock (column 6, lines 1-15), wherein said time synchronizing device comprises: intercepting (EE, receiving device) means for intercepting at least one message (MSG)

(KD1,) coming from at least one apparatus (VE) being a point said first network (wired network), and directed to the second network (wireless network), said apparatus having a specific time clock ( VE has a RTC, column 4, lines 20-30), preparing means for preparing a time request (ZA1) intended for said apparatus (column 5, lines 55-65), said time request being able to be executed in said apparatus so as to cause said synchronizing data based on said specific time clock to be obtained from said apparatus and to be transmitted back to said synchronizing device (see column 5, lines 55-67 to column 6, lines 1-15), sending means for sending said time request to said apparatus (network interface, column 5, lines 55-65) , and forwarding (DECT ) means for forwarding said intercepted message (MSG) to said second network after the preparing means have prepared said time request (column 6, lines 43-60: the KD1 is sent out until the ZTG is correct.), said receiving means being intended to receive said synchronizing data from said apparatus and said exploiting means being able to exploit said synchronizing data so as to synchronize said local time clock with respect to said specific time clock, said receiving means, exploiting means, intercepting means, preparing means, sending means and forwarding means forming an operational set (see figure 2).

With regard to claim 4, Heitmann teaches: wherein said forwarding means are intended to forward said intercepted message to said target network only after the exploiting means have exploited said synchronizing data obtained from said apparatus by means of said time request (ZTG is based on ZI1 information, so thus the packet has

to be sent after the ZI1 information is received at the base station. column 6, lines 24-35, and 43-60).

With regard to claim 5, Heitmann teaches: wherein said preparing means are able to prepare said time request for getting at least one of synchronizing data time zone and daylight saving time information (column 4, lines 25-30: the examiner views the world time information as time zone information.).

With regard to claim 6, Heitmann teaches: wherein said time synchronizing device comprises updating means for periodically updating said synchronizing data so as to synchronize said local time clock, by periodically activating said operational set, said updating means being preferably intended for using as said intercepted message for each of said updating periods, the first message received from said first communication network during said updating period (see column 5, lines 55-67 to column 6, lines 1-15).

With regard to claim 11, Heitmann teaches: Computer program product comprising program code instructions for the execution of the process according to claim 10 when said program is executed on a computer having storing space for said program (column 5, lines 35-40).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heitmann in view of Godfrey et al. (US 2004/0205330).

With regard to claim 8,

Heitmann fails to disclose local gateway intended to be arranged between a LAN and a WAN and to enable communication in both directions between the LAN and the WAN, said local gateway comprising: a LAN interface for communication with the LAN, a WAN interface for communication with the WAN. Heitmann only disclose a base station arranged in between LAN and air interface. However, Godfrey teaches a wireless connector system that is arranged between WAN and LAN. Godfrey's wireless connector system is also designed to synchronize the data information between networks (see figure 22, page 22, paragraph 185). Therefore, it would have been obvious to one having ordinary skill in the art at the time invention was made to the wireless connector system can be used to connect the WAN to LAN for synchronization of information as taught by Godfrey for the base station in Heitmann in order to supply a larger area with connection capabilities (Heitmann column 1, lines 20-30).

With regard to the rest of claim 8, Heitmann and Godfrey teaches, a local gateway time clock (Heitmann, column 5), and synchronizing means for synchronizing said local gateway time clock with respect to a reference time clock, by means of synchronizing data received by said local gateway (column 5), wherein in that said synchronizing means comprise a time synchronizing device compliant with claim 1 for synchronizing said local gateway, said source and target networks being respectively the LAN (4) and the WAN for all intercepted messages, and said apparatus used for

synchronizing being thus at least one point of said LAN (Thus the Base station of Heitmann can be connected to VE through a WAN interface and mobile device through an LAN air interface.).

With regard to claim 9, Heitmann and Godfrey teaches: wherein said synchronizing means is also able to synchronize said local gateway time clock with respect to a global time clock (RTC) available from a timeserver (VE) of the WAN (Heitmann: column 5, lines 55-67).

With regard to claim 2, Heitmann and Godfrey teaches: wherein said intercepting means is intended to intercept said message and said receiving means is intended to receive and extract said synchronizing data in compliance with HTTP protocol (Godfrey, page 22, paragraph 185).

8. Claims 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heitmann in view of Burkes et al. (US 6,915,353).

With regard to claim 3, Heitmann teaches: wherein said preparing means are intended to prepare the time requests in the form of executable scripts, preferably based on the Java language (column 5, lines 35-40. Since the components that generates the time request can be a software module.)

Heitmann fails to disclose that time request is a script (software) preferably based on the Java. Burkes teaches system that calibrates time for a computer from an internet (network) server based a Network Time Protocol (column 3, lines 15-60). Burkes system uses calibration time routine (time request) from computer to network server by executed a Java application (column 4, lines 20-50). Therefore, it would have



been obvious to one having ordinary skill in the art at the time invention was made to have use Java application for calibration time routine as taught by Burkes for sending time requests in system of Heitmann in order to improve accuracy (column 6, lines 35-43).

***Allowable Subject Matter***

9. Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

10. Applicant's arguments filed 10/26/09 have been fully considered but they are not persuasive.

With regard to claim 1, the examiner disagree with the applicant that Heitmann fails to disclose suggest intercepting (means) for intercepting at least one message (MSG) coming from at least one apparatus being a point of the first network and directed to the second network, the apparatus having a specific time clock and forwarding (means) for forwarding the intercepted message to the second network after the preparing (means) has prepared the time request. Heitmann teaches a base station that receives (intercepts) a message (KD1) from a VE on wired (first) network directed to a mobile device on a wireless (second) network (see figure 1). Heitmann teaches at base station as clock (CLK) which can be views a specific time clock (see figure). In

column 6 of Heitmann states that KD1 message is not sent (forward) until the clock frequency is stabilized (ZTG: lines 40-50). In order to stabilize the clock, the base station transmits a time request message (ZA1) (column 5, lines 55-67). Thus the KD1 message is sent to the mobile station in wireless network after the base station sends the time request message to the VE in wired network.

With regard to claims 2, 4-6, and 8-11, the examiner maintains rejections for reasons listed in claim 1.

Applicant's arguments with respect to claim 3 have been considered but are moot in view of the new ground(s) of rejection.

With regard to 101 rejection of claim 11, the examiner thanks the applicant for amending the specifications. However, under new USPTO's "Interim Patent Subject Matter Eligibility Examination Instructions" issued on August 24, 2009, the office views any computer readable medium or storage device as non-statutory subject matter since computer readable medium could be implicitly viewed as signals or transmission media.

Thus, computer readable medium or storage device will need state that it's non-transitory, to overcome the 101 rejection.

< [http://www.uspto.gov/web/offices/pac/dapp/opla/2009-08-25\\_interim\\_101\\_instructions.pdf](http://www.uspto.gov/web/offices/pac/dapp/opla/2009-08-25_interim_101_instructions.pdf) > (see page 21 of 30 of the complete file, which is page 10 on the PowerPoint presentation, example claim 3).

***Conclusion***

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS R. SMITH whose telephone number is (571)270-1096. The examiner can normally be reached on Mon-Thurs: 7:30 am - 5:00 p.m. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pankaj Kumar can be reached on 571 272-3011. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MRS 1/15/10  
/Pankaj Kumar/  
Supervisory Patent Examiner, Art Unit 2467